

Appendix F

Suspension, Expulsion, and Involuntary Transfer

According to the *Education Code* sections 48900 et seq., a pupil who commits any offense related to school activities or attendance involving the following acts or offenses may be removed from his or her school setting through **suspension, expulsion, or involuntary transfer** to a continuation school, opportunity program, or county community school:

- Physical injury of another person
- Tobacco use
- Extortion (or attempts)
- Obscene acts, profanity
- Hate-motivated behavior
- Drug or alcohol offense
- Weapons possessions
- Disruption/defiance
- Sexual harassment
- Theft
- Robbery (or attempts)
- Receipt of stolen property
- Gang behavior

	<i>Suspension</i>	<i>Expulsion</i>	<i>Involuntary Transfer</i>
Definition	Short-term removal of a pupil from ongoing instruction at a school for adjustment purposes. May be used only when other means fail to bring about proper conduct, except for specified offenses or safety concerns. Does not include reassignment to classes at the same school for the student's normal schedule, referral to an advisor, or removal from a class during the period (EC §§48900, 48900.5, 48910, 48915, 48925).	Long-term removal of a pupil from the school district by action of the governing board, which may suspend the expulsion with specified conditions (EC §§ 48918, 48915, 48925).	Transfer of irregularly attending, truant, or disruptive pupil to a continuation school or opportunity program or class (EC §§ 48432.5, 48637).
Who must act	Principals or superintendents (or their designees), teachers (EC §§ 48900, 48910, 48911 [g][i]).	Principal or superintendent (or designee) must recommend expulsion if pupil causes physical injury; possesses a firearm, knife, or explosive, sells drugs; or robs or extorts others. Must report reasons in writing if expulsion is considered inappropriate; however, a pupil in possession of a firearm must be expelled (EC § 48915). Board makes final decision to expel or suspend (EC § 48915).	Principal (or designee), for transfer to continuation school; district or county screening committee, for transfer to opportunity program or class or county community school (EC §§ 1980, 48432.5, 48637.1, 48637.2).

Because the governing board can deny enrollment to a pupil expelled from another school district (if the pupil poses a potential danger to others), schools should develop a system of documentation so that subsequent school sites receiving disruptive students will have the necessary information for suspension, expulsion, denial of entrance, or other necessary actions (see (EC § 48915.1)).

	<i>Suspension</i>	<i>Expulsion</i>	<i>Involuntary Transfer</i>
How long	<p>Principals or superintendents (or their designees): 5 days per offense; may be up to 20 days/year (30 with a disciplinary transfer); balance of semester for continuation pupil, with board's approval (EC §§ 48903, 48912.5). Teacher: remainder of day and the next day from teacher's class (EC § 48910). May request parent/ guardian to attend class with student (EC § 48900.1).</p> <p>For special education students, there is a maximum of 10 days (<i>Honig v. Doe</i>, supra).</p>	<p>Until governing board permits readmission (EC §§ 48915.1, 48916).</p> <p>An LEA may not expel any special education pupil if the misconduct is related to the pupil's disability (<i>Honig v. Doe</i>, supra; EC § 48915.5).</p>	<p>Until end of the semester following the semester during which the acts leading to the transfer occurred or as specified under required placement review (EC § 48432.5).</p>
Due-process steps	<ol style="list-style-type: none"> 1. Conduct informal conference with pupil, referral school employee, and principal (or designee) or superintendent (EC § 48911). 2. Tell pupil reasons for discipline and allow pupil and opportunity to present his/her side (EC§ 48911). 3. Contact parent/guardian by telephone and in writing (EC § 48911). 4. Report suspension to the governing board or superintendent, according to board policy (EC § 48911). 5. Request conference with parent/guardian and school (EC § § 48918-48924). 	<ol style="list-style-type: none"> 1. Hearing within 30 school days of act unless governing board meets less than weekly, in which case 40 school days are allowed (EC § 48915.5). 2. Give pupil written notice, facts and charges, and copy of specific rule violation; advise of right to be present, have counsel, copy documents, confront and question witnesses, present evidence, and obtain a record of the hearing (EC § 48918). 3. Board determines whether pupil is expelled subsequent to board hearing or recommendation from panel or hearing office (EC § 48918). 4. Expulsion decision must be based on substantial evidence relevant to the charges adduced at the hearing (EC § 48911). 5. Deliberation is held in closed session, but decision to expel is made public (EC § 48918). 	<ol style="list-style-type: none"> 1. Pupil and parent are notified of proposed involuntary transfer in writing. Parent/ guardian/pupil may request appeal with superintendent (or designee) (EC §§ 47432.5, 48537). 2. At meeting, pupil and parent are informed of facts and reasons for transfer; they may inspect documents, question witnesses, and present their own evidence (EC §§ 48432.5, 48637). 3. Written decision must give reasons for transfer (based on (EC §§ 48432.5, 48637). 4. County community school requires decision by school attendance review board (EC §§1981.2 [b], 49432.5).